

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DAVID M. OATES, Individually and for
Others Similarly Situated,

v.

KINDER MORGAN ENERGY
PARTNERS, LP

Case No. 5:19-CV-01171-SLP

Hon. Scott L. Palk

FLSA Collective Action
Pursuant to § 216(b)

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Pending before this Court are two motions to intervene, based in large part on purported arbitration agreements between certain class member inspectors and third-party vendors: Cleveland Integrity Services, Inc.'s Motion to Intervene [ECF 37] and Kestrel Field Services, Inc.'s Motion to Intervene [ECF 73] (collectively, the "Motions"). Oates opposes these Motions, pointing out (1) Plaintiffs are making no claims against the third-party vendors and (2) the third-party vendors' arbitration agreements do not apply to claims against Kinder Morgan, which Kinder Morgan chose to settle in this Court. *See* ECF 53; ECF 79; ECF 115.

In response to recent supplements to the Motions, Oates informed this Court of Magistrate Judge Lenihan's recent recommendation to deny similar motions to intervene filed by similar third-party vendors in *Robertson v. Enbridge (U.S.) Inc.*, No. 2:19-CV- 01080-LPL (W.D. Pa. May 28, 2021). *See* ECF 129 at 10-11; ECF 130 at 8-9. On June 23, 2021, District Judge William Stickman IV "thoroughly agree[d]" with Judge Lenihan's meticulous analysis—which is equally applicable to this proceeding—and adopted the Report and Recommendation, thereby denying third-party vendors' motions to intervene. *See* Order of Court, attached as Exhibit 1.

Respectfully submitted,

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ATTORNEYS IN CHARGE FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 24, 2021 the foregoing was filed electronically with the Clerk of Court using the ECF system, which sent notice to all known parties of the case in accordance with the Federal Rules of Civil Procedure.

/s/ Taylor A. Jones

Taylor A. Jones